IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

W.A.No.1807 of 2007

AGAINST THE JUDGEMENT DATED 14.6.2007 IN W.P.(C).17230/2007

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APPELLANT/PETITIONER:-

T. SHYJA,
PROPRIETRIX, MADHAVA METAL NALL MANUFACTURES,
PURATHUR, TIRUR, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS/RESPONDENTS:-

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1. THE DISTRICT COLLECTOR, MALAPPURAM.

2. THE REVENUE DIVISIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.1807 of 2007

Dated, this the 23rd day of July, 2007

JUDGMENT

H.L.Dattu,C.J.

Even a perfectly justified order passed by the learned Single Judge is called in question in this appeal by the petitioner.

(2) There was arrears of sales tax and also electricity charges. For realisation of the sales tax due under the Act and also the electricity charges, revenue recovery proceedings had been initiated by the authorities under the Act. In those proceedings, the industrial unit of the appellant/petitioner, which was leased out to one Mr.Pandaravalappil Govardhanan, came to be put for auction and since no bidders were available to bid the property, the State Government has taken the property for a sum of Re.1/-.

(3) Aggrieved by the action of the State Government, petitioner was before this Court in the writ petition.

(4) One and the only relief that is prayed for by the petitioner in the writ petition is to direct the respondents to consider the representation filed by her for grant of instalment facility. The learned Single Judge, taking a very sympathetic view of the matter, has directed the petitioner to pay the amounts due from her in easy instalments to the respondents and after such payment the State Government was further directed to return the property to the petitioner. The order so passed by the learned Single Judge is a perfectly justified order. An order, which is not even erroneous, was made subject matter of Writ Appeal.

(5) Having gone through the orders passed by the learned Single Judge, in our opinion, the same is perfectly justified and no interference is called for in this appeal. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-